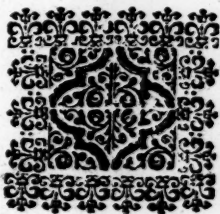


(498)
A
REMONSTRANCE
OF THE
STATE OF THE KINGDOM.

Agreed on
By the LORDS and COMMONS Assembled
in PARLIAMENT the 19. of May, 1642. and Published
by Order of both Houses.

H. ELSYNG Cler. Parl. D. Com.



L O N D O N,
Printed for John Bartlet at the Signe of the Gilt-Cup, neare
St. Austins-Gate, 1642.

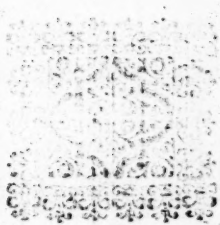
(499)

REMONSTRANCE
STATE OF THE KINGDOM

HARVARD COLLEGE LIBRARY
IN MEMORY OF
LIONEL DE JESSEY HARVARD
CLASS OF 1915
PL. 211.121

By the House and Commons Assembled
in Parliament the 10th of May 1713 and Published

Printed by J. Sturges at the Press of the University of Cambridge



LONDON
Printed for John Smith at the Sign of the Ship near
St. Dunstons Church 1713



REMONSTRANCE OF THE STATE OF THE KINGDOME,

Agreed on by the LORDS and COMMONS Assembled in PARLIAMENT, the 19. of May, 1642.



He infinite Mercy and Providence of the Almighty God hath beene abundantly manifested since the beginning of this Parliament in great variety of protections and blessings, whereby he hath not onely delivered us from many wicked Plots and Designes, (which if they had taken effect) would have brought ruine and destruction upon this Kingdome; but out of those attempts hath produced divers evident and remarkable Advantages to the furtherance of those services which we have bin desirous to performe to our Sovereigne Lord the King, and to this Church and State; in providing for the publick peace and prosperity of his Majesty and all his Realmes, which in the presence of the same all-seeing Deity, we protest to have beene and still to be, the only end of all our Councils and indeavours, wherein we have resolved to continue freed and enlarged from all private ayms, personal respects or passions whatsoever.

In which resolution we are nothing discouraged, although the heads of the Malignant party disappointed of that prey, the Religion and liberty of this Kingdome, which they were ready to seize upon and devoure before the beginning of this Parliament, have still persisted by new practices both of force and subtilty to become the same againe; for which purpose they have made severall attempts for the bringing up of

the Army; they afterwards projected the false accusation of the Lord *Kimbolton* and the five Members of the House of *Commons*, which being in it selfe of an odious nature, they yet so farre prevailed with His Majesty, as to procure Him to take it upon Himself; but when the unchangeable duty and faithfullnesse of the Parliament could not be wrought upon by such a fact as that, to with-draw any part of their reverence and obedience from His Majesty, they have with much art and industry advised His Majesty to suffer divers unjust scandals and imputations upon the Parliament to be publish'd in His Name, whereby they might make it odious to the people, and by their hope to destroy that which hitherto hath bin the only means of their owne preservation.

For this purpose they have drawne his Majesty into the Northern parts farre from the Parliament, that so false Rumours might have time to get credit, and the just defences of the Parliament, find a more tedious, difficult and disadvantageous access, after those false imputations and slanders had been first rooted in the apprehension of his Majesty and his Subjects; which the more speedily to effect, they have caused a Presse to be transported to *York*, from whence severall Papers and Writings of that kind are conveyed to all parts of the Kingdome, without the Authority of the great Seale, in an unusuall and illegall manner, and without the Advice of his Majesties Privie Councell, from the greater and better part whereof having withdrawn himselfe as well as from his great Councell of Parliament, he is thereby exposed to the wicked and unfaithfull Councells of such as have made the wisdom and justice of the Parliament dangerous to themselves, And this danger they labour to prevent, by hiding their own guilt under the Name and shadow of the King, insinuating into him their own feares, and as much as in them lies, aspersing his Royall Person and honour with their own Infamy, from both which, it hath alwayes been as much the care, as it is the duty of the Parliament to preserve his Majesty, and to fix the guilt of all evil Actions and Councells upon those who have been the Authors of them.

Amongst divers Writings of this kind wee the Lords and Commons in Parliament have taken into our consideration two printed Papers, the first containing, A Declaration which they recived from his Majesty in answer to that which was presented to his Majesty from both Houses of Parliament, at *New-market* the 9th. of *March*, 1642. The other his Majesties Answer to the Petition of both Houses, presented to his Majesty at *York*, the 26th. of *March*, 1642. Both which are
fil-

filled with harsh Censures, and causelesse Charges upon the Parliament, concerning which we hold it necessary to give satisfaction to the Kingdome, seeing we find it very difficult to satisfie his Majesty, who to our great grief we have found to be so engaged too, and possesed by those misapprehensions which evill Councillors have wrought in him, that our most humble and faithfull Remonstrances have rather irritated and embittered, then any thing allayed or mitigated, the sharpe expressions which his Majesty hath been pleased to make in answer to them; for the manifestation whereof, and of our own Innocency, we desire that all his Majesties loving Subjects may take notice of these particulars.

We know no occasion given by us which might move his Majesty to tell us that in our Declaration presented at *New-market*, there were some expressions different from the usuall Language to Princes.

Neither did we tell his Majesty, either in words or in effect, that if he did not joyne with us in an Act, which his Majesty conceived might prove prejudiciall and dangerous to himselfe and the whole Kingdome, we would make a Law without him, and impose it upon the people, That which we desired was, that in regard of the imminent danger of the kingdome, the *Militia* for the security of His Majesty and his people might be put under the command of such noble and faithfull Persons, as they had all cause to confide in, and such was the necessity of this prevention, that we declared that if His Majesty should refuse to joyne with us therein, the two Houses of Parliament, being the supream Court and highest Councell of the Kingdome, were enabled by their owne Authority, to provide for the repulsing of such imminent and evident danger, not by any new Law of their owne making, as hath been untruly suggested to his Majesty, but by the most ancient Law of this Kingdome, even that which is fundamentall and essentiall to the Constitution and subsistence of it.

Although we never desired to encourage His Majesty to such Replies as might produce any contestation betwixt Him and His Parliament, of which we never found better effect then losse of time, and hindrance of the publike affairs; yet we have been farre from telling him of how little value his words would be with us, much lesse when they are accompanied with actions of Love and Justice: His Majesty hath more reason to finde fault with those wicked Councillours who have so often bereaved Him of the Honour, and his people of the fruit of many gracious Speeches which he made to them, such as those in the end of the last Parliament; *That in the Word of a King*

and as he was a Gentleman he would redresse the Grievances of the people, as well out of Parliament as in it: Were the searching the Studies and Chambers, yea the pockets of some, both of the Nobility and Commons the very next day; the Commitment of M. Belknap, Sir John Hotham and Mr. Crew; The continued oppressions of Shipmony, Coat and Conduct money, with the manifold imprisonments and other vexations thereupon, and other ensuing violations of the Lawes and Liberties of the Kingdom (all which were the effects of evill Council, and abundantly declared in our generall Remonstrance of the State of the Kingdome) actions of love and Justice futable to such words as these:

As gracious was His Majesties speech in the beginning of this Parliament, *That hee was resolved to put himselfe freely and clearely upon the Love and Affection of his English Subjects.* Whether his careless complaints and jealousies, the unjust imputations so often cast upon his Parliament, his denyall of their necessary Defence by the Ordinance of the Militia, his dangerous absenting himselfe from his great Councell, like to produce such a mischievous division in the Kingdome, have not beene more futable to other mens evill Councils, then to his owne words, will easily appeare to any indifferent judgement.

Neither have his latter Speeches been better used and preserved by these evill and wicked Councellours. Could any words be fuller of love and Justice then those in his Answer to the Message sent to the House of Commons 31. December, 1641. *We doe engage unto you solemnly the Word of a King, that the security of all and every one of you from violence, is and ever shall be as much our care as the preservation of Us and our Children.* And could any actions be fuller of injustice and violence then that of the Attorney Generall, in falsely accusing the members of Parliament, and the other proceedings thereupon within three or foure dayes after that Message; for the full view whereof let the Declaration made of those proceedings be perused; And by these instances (we could adde many more) let the world judge, who deserves to be taxed with disavowing his Majesties words, they who have (as much as in them lyes) stained and sullied them with such foule Councils, or the Parliament who have ever manifested with joy and delight their humble thankfullnes for those gracious words and Actions of Love and Justice which have been conformable thereunto.

The King is pleased to disavow the having any such evill Council or Councellours.

Councillors as are mentioned in our Declaration, to his Knowledge, and we hold it our Duties humbly to avow there are such, or else we must say that all the ill things done of late in his Majesties Name have been done by himselfe, wherein we should neither follow the direction of the Law, nor the Affections of our owne hearts, which is as much as may be to cleare his Majesty from all imputation of misgovernment, and to lay the fault upon his Ministers; The false accusing of sixe members of Parliament; The justifying M. Attorney in that false Accusation; The violent coming to the House of Commons; The denyall of the *Militia*; The sharp Messages to both Houses contrary to the Customes of former Kings; The long and remote absence of his Majesty from Parliament; The heavy and wrongfull Taxes upon both Houses; The cherishing and countenancing a discontented Party in the Kingdome against them: These certainly are the fruits of very ill Councill, apt to put the Kingdome into a combustion, to hinder the supplies of *Ireland*, and to countenance the proceedings and pretensions of the Rebels there. And the Authours of these evill Councils, we conceive, must needs be knowne to his Majesty, and we hope our labouring with his Majesty to have these discovered and brought to a just Censure, will not so much wound his Honour in the opinion of his good Subjects, as his labouring to preserve and conceale them.

And whereas his Majesty saith, He could wish that His owne immediate Actions which he avowes on his owne Honour might not be so roughly censured under that common stile of evill Councillors, we could also heartily wish that we had not cause to make that stile so common: But how often and undutifully sever these wicked Councillors fixe their dishonour upon the King, by making his Majesty the Authour of those evill Actions, which are the effects of their own evill Councils; We his Majesties loyall and durifull Subjects can use no other stile, According to that Maxime in the Law, *The King can doe no Wrong*; But if any ill be committed in matters of State, the Councill; If in matters of Justice, the Iudges must answer for it.

We lay no charge upon his Majesty, which should put him upon that Apology concerning his faithfull and zealous affection of the Protestant Profession; Neither doth his Majesty endeavour to cleare those in greatest Authority about him, by whom (we say) that designe hath been potently carried on for divers yeares, and we rather wish that the Mercies of Heaven then the Iudgements may be manifested upon them; But that there have been such, there are so plentifull and frequent Evidences,

dences, that we beleeve there is none, either Protestant or Papist, who hath had any reasonable view of the Passages of later times, but either in feare or hope did expect a sudden issue of this Designe.

We have no way transgressed against the Act of Oblivion, by remembering the intended Warre against *Scotland*, as a Branch of that Designe to alter Religion by those wicked Councils, from which God did then deliver us, which we thought never to forget.

That the Rebellion in *Ireland* was framed and cherish'd by the Popish and malignant Party in *England*, is not onely affirmed by the Rebels, but may be cleared by many other proofes ; The same rebellious Principles of pretended Religion ; The same politique ends are apparent in both, and their malicious Designes and Practises are masqu'd and disguis'd with the same false colour of their earnest zeale to vindicate his Majesties Prerogative from the supposed Oppression of the Parliament ; How much these treacherous Pretences have been countenanced by some evill Councell about his Majesty may appeare in this, that the Proclamation whereby they were declared Traitors was so long with-held, as to the second of *January*, though the Rebellion broke forth in *October* before, and then no more but 40. Coppies appointed to be printed, with a speciall Command from his Majesty not to exceed that Number, and that none of them should be published till his Majesties pleasure were further signified, as by the Warrant appeares, a true Coppy whereof is herunto added : So that a few onely could take notice of it, which was made more observable by the late contrary proceedings against the *Scots*, who were in a very quicke and sharp manner proclaimed, and those Proclamations forthwith dispersed with as much diligence as might be through all the Kingdome, and ordered to be read in all Churches, accompanied with publique Prayers and Execrations. Another Evidence of favour and countenance to the Rebels in some of Power about his Majesty, is this, That they have put forth in his Majesties name a causelesse Complaint against the Parliament, which speaketh the same Language of the Parliament, which the Rebels doe, thereby to raise a beleeve in mens minds, that his Majesties affections are alienated, aswell as his person is removed from that his great Councell, all which doth exceedingly retard the supplies of *Ireland*, and more advance the proceedings of the Rebels, then any Jealousie or misapprehension begotten in his Subjects by the Declaration of the Rebels, Injunction of *Rosetti*, or Information of *Trestram Whitcombe* ; so that considering the present state and temper of both King-

domes

domes, his Royall Presence is farre more necessary here then it can be in *Ireland* for redemption or protection of his Subjects there.

And whether there be any cause of his Majesties great Indignation for being reproach'd to have intended force or threatening to the Parliament, we desire them to consider who shall read our Declaration, in which there is no word tending to any such reproach, and certainly we have been more tender of his Majesties Honour in this point, then he whosoever he was that did write this Declaration, where in his Majesties name he doth call God to witnesse, he never had any such thought, or knew of any such resolution of bringing up the Army, which truly will seeme strange to those who shall read the deposition of *M. Goring*, Information of *M. Percy*, and divers other Examinations of *M. Willmot*, *M. Pollard*, and others ; The other Examination of Captaine *Legg*, Sir *Jacob Ashley*, Sir *John Coniers*, and consider the condition and nature of the Petition which was sent unto Sir *Jacob Ashley*, under the approbation of *C. R.* which his Majesty doth now acknowledge to be his owne hand, and being full of Scandall to the Parliament might have proved dangerous to the whole Kingdome, if the Army should have interposed betwixt the King and them, as was desired.

His Ma-
jesty nor
charged
with In-
tention of
any force,

We doe not affirme that his Majesties Warrant was granted for the Passage of *M. Jermyn* after the desire of both Houses, for restraint of his Servants, but only that he did passe over after that restraint by vertue of such a Warrant : We know the Warrant beares date the day before our desire, yet it seemes strange to those who know how great respect and power *M. Jermyn* had in Court, that he should begin his Journey in such haste, and in Apparell so unfit for travell, as a blacke Satten suite, and white boots, if his going away were designed the day before.

M. Jermyn's
escape by
his Maje-
sties war-
rant.

The Accusation of the Lord *Kimbolton* and the 5. Members of the House of Commons is called a breach of Priviledge, and truly so it was and a very high one, farre above any satisfaction that hath beene yet given, how can it be said to be largely satisfied, so long as his Majesty labours to preserve Mr. Attorney from punishment, who was the visible Actor in it ; so long as his Majesty hath not only justified him, but by his Letter declared that it was his duty to accuse them, and that he would have punish'd him, if he had not done it ; so long as those members have not the meanes of clearing their Innocency, and the Authors of that malicious Charge undiscovered, though both Houses of Parlia-

Accusa-
tion of
the Lord
Kimbolton,
&c.

ment have severall times petitioned His Majesty to discover them, and that not onely upon grounds of common Justice, but by Act of Parliament his Majesty is bound to doe it; so long as the King refuseth to passe a Bill for their discharge, alleadging that the Narrative in that Bill is against his Honour, whereby he seemes still to avow the matter of that false and scandalous Accusation, though he deserts the prosecution, offering to passe a Bill for their Acquittall, yet with intimation that they must desert the avowing their owne Innocency, which would more wound him in Honour, then secure them in Law.

And in vindication of this great Priviledge of Parliament, we do not know that we have invaded any Priviledge belonging to his Majesty, as is alleadged in this Declaration.

But we looke not upon this onely in the notion of a Breach of Priviledge, which might be, though the Accusation were true or false, but under the notion of a heynous crime in the Attorney and all other Subjects who had a hand in it. A crime against the Law of Nature, against the rules of Justice, that innocent men should be charged with so great an offence as Treason in the face of the highest judicatory of the Kingdom, whereby their Lives and Estates, their Blood and Honour are endangered without witnesse, without evidence, without all possibility of reparation in a legall course, yet a crime of such a nature that His Majesties Command can no more warrant then it can any other act of injustice. It is true that those things which are evill in their owne nature, such as a false Testimony or false Accusation, cannot be the subject of any Command, or induce any Obligation of obedience upon any man by any authority whatsoever. Therefore the Attorney in this case was bound to refuse to execute such a Command, unlesse he had had some such evidence or testimony, as might have warranted him against the parties, and be lyable to make satisfaction, if it should prove false, and it is sufficiently knowne to every man and adjudged in Parliament, that the King can be neither Relator, Informer nor Witnesse. If it rest as it is without further satisfaction, no future Parliament can be safe, but that the Members may be taken and destroyed at pleasure; yea the very Principles of Governement and Justice will be in danger to be dissolved.

We doe not conceive that Numbers doe make an Assembly unlawfull, but when either the end or manner of their Carriage shall be unlawfull; Divers just occasions might draw the Citizens to *Westminster*, where many publike and private Petitions and other Causes were depending
in

in Parliament; and why that should be found more faulty in the Citizens, then the resort of great Numbers every day in the Terme to the ordinary Courts of Justice, we know not? That those Citizens were notoriously provoked and assaulted at *Westminster* by Collonell *Lunsford*, Capitaine *Hide*, with divers others, and by some of the Servants of the Arch Bishop of *York*, is sufficiently proved, and that afterward they were more violently wounded, and most barbarously mangled with swords, by the Officers and Souldiers neare *White-Hall*, many of them being without Weapons, and giving no cause of distaste, as is likewise proved by severall Testimonies, but of any scandalous or seditious misdemeanours of theirs, that might give his Majesty good cause to suppose his owne Person, or those of his Royall Consort or Children to be in apparent danger, we have had no prooffe ever offered to either House, and if there had beene any Complaint of that kind, it is no doubt the Houses would have been as forward to joine in an Order for the suppressing of such tumults, as they were not long before upon another occasion, when they made an Order to that purpose; whereas those Officers and Souldiers which committed that violence upon so many of the Citizens at *White-Hall*, were cherish'd and fostered in his Majesties House, and when, not long after the Common Councell of London presented a Petition to his Majesty, for reparation of those injuries, his Majesties answer was (without hearing the prooffe of the Complainants) that if any Citizen were wounded or ill intreated, his Majesty was confidently assured, that it hapned by their own evill and corrupt Demeanours.

We hope it cannot be thought contrary to the duty and wisdom of of a Parliament, if many concurring and frequently reiterated and renewed advertisements from *Rome*, *Venice*, *Paris* and other parts, If the solicitations of the *Popes Nuncio* and our own discontented Fugitives doe make us jealous and watchfull for the safety of the State; and we have beene very carefull to make our expressions thereof so easie and so plain to the capacities and understandings of the people, that nothing might justly flicke with them with reflection upon the Person of his Majesty; wherein we appeale to the judgement of any indifferent person who shall reade and peruse our own words.

We must maintaine the ground of our Feares to be of that moment that we cannot discharge the trust and duty which lies upon us; unlesse we doe apply our selves to the use of those means to which the Law hath enabled us in cases of this nature for the necessary defence

of the Kingdome, and as his Majesty doth graciously declare the Law shall be the measure of his Power, so doe we most heartily profess that we shall alwaies make it the rule of our Obedience.

Prudent
omissions
in the An-
swer.

The next point of our Declaration was with much caution artificially passed over by him who drew his Majesties Answer, It being indeed the foundation of all our misery and his Majesties trouble, That he is pleased to heare generall Taxes upon his Parliament without any particular charge to which they may give satisfaction, and that he hath often conceived displeasure against particular persons upon misinformation : And although those Informations have been clearly proved to be false, yet he would never bring the Accusers to question, which layeth an impossibility upon honest men of cleering themselves, and gives encouragement unto false and unworthy persons, to trouble Him with untrue and groundlesse Informations. Three particulars wee mentioned in our Declaration, which the Penner of that Answer had good cause to omit, The words supposed to be spoken at *Kensington*, The pretended Articles against the Queene, and the groundlesse Accusation of the sixe Members of the Parliament, there being nothing to be said in Defence or Denyall of any of them.

Concerning his Majesties desire to joyne with his Parliament, and with his faithfull Subjects in defence of Religion, and publique good of the Kingdome, we doubt not but He will doe it fully, when evill Councillors shall be removed from about Him, and untill that be, as we shewed before of words: So must we also say of Lawes, that they cannot secure us, witnesse the Petition of Right which was followed with such an Inundation of Illegall Taxes, that we had just cause to thinke that the payment of 820000 l. was an easie burden to the Commonwealth in exchange of them, and we cannot but justly thinke that if there be a continuance of such ill Councillors and favour to them, they will by some wicked device or other make the Bill for the Trienniall Parliament, and those other excellent Lawes mentioned in his Majesties Declaration of lesse value then words.

That excellent Bill for the continuance of this Parliament was so necessary, that without it we could not have raysed so great summes of money, for the service of his Majesty and the Commonwealth, as we have done, and without which the ruine and destruction of the Kingdome must needs have followed. And we are resolved the gracious favour of His Majesty expressed in that Bill, and the advantage and security which thereby we have from being dissolved, shall not encourage

to charge us to doe any thing which otherwise had not beene fit to have beene done, and we are ready to make it good before all the World, that although His Majesty hath passed many Bills very advantageous for the Subject, yet in none of them have we bereaved His Majesty of any iust, necessary, or profitable Prerogative of the Crowne.

We so earnestly desire His Majesties returne to *London*, that upon it we conceive depends the very Safety and Being of both His Kingdoms; and therefore we must protest, that as for the time past, neither the Government of *London*, nor any Lawes of the Land have lost their Life and Force for his Security; so for the Future, we shall be ready to doe or say any thing that may stand with the Duty or Honour of a Parliament, which may raise a mutuall Confidence betwixt his Majesty and us, as wee doe with and as the affairs of the Kingdome doe require.

Thus farre the Answer to that which is called His Majesties Declaration hath led us. Now wee come to that which is Intituled His Majesties Answer to the Petition of Both Houses, presented to Him at *York*, 26th *May* 1642. In the beginning wherof His Majesty wisheth, *That our Priviledges on all parts Were so stated that this way of Correspondency might be preserved with that Freedome which hath beene used of old*: We know nothing introduced by us that gives any impediment hereunto; neither have we affirmed our Priviledges to be broken, when His Majesty denies us any thing, or gives a reason why He cannot grant it; or that those who advised such denyall were Enemies to the Peace of the Kingdome, and Favourers of the Irish Rebellion, in which Assertion that is turned into a Generall Assertion, which in our Votes is applyed to a particular Case: Wherefore we must maintaine our Votes, that Those who advised His Majesty to contradict that which both Houses in the Question concerning the *Militia* had declared to be Law, and command it should not so be obeyed, is a high Breach of Priviledge; and that those who advised His Majesty to absent Himselfe from His Parliament, are Enemies to the Peace of the Kingdome, and justly to be suspected to be Favourers of the Rebellion in *Ireland*. The reasons of both are Evident, because in the first there is as great a Derogation from the Trust and Authority of Parliament, and in the second as much advantage to the Proceedings and Hopes of the Rebels as may be, and we hold it a very causelesse Imputation upon the Parliament, that we have herein any way impach'd,

much lesse taken away the freedome of His Majesties Votes, which doth not import a Liberty for His Majesty to doe any thing: how necessary soever for the Preservation of the Kingdome, much lesse a Licence to evill Councillours to advise any thing though never so destructive to his Majesty and his People.

By the Message of the 20. of January, His Majesty did propound to both Houses of Parliament, *That they would wish all Speed fall into a serious Consideration of all those Particulars, which they should hold necessary as well for the upholding and maintaining His Majesties Just and Regall Authority, and for the settling His Revenue, as for the present and future establishing our Priviledges, the free and quiet enjoying our Estates, the Liberties of our Persons, the Security of the true Religion, professed in the Church of England, and the settling of Ceremonies in such a manner as may take away all offences, and to digest it into one intire Body.*

To that point of upholding and maintaining His Royall Authority, we say nothing hath bin done to the prejudice of it, that should require any new provision. To the other of settling the Revenew, the Parliament hath no way abridged or disordered His just Revenew; but it is true that much wast and confusion of His Majesties Estate hath bin made by those evill and unfaithfull Ministers, whom hee hath employed in the managing of it, wherby His Owne ordinary Expenses would have beene disappointed, and the Safety of the Kingdome more endangered, if the Parliament had not in some measure provided for His Household, and for some of the Forts more then they were bound to doe, and they are still willing to settle such a Revenew upon His Majesty, as may make him live Royally, Plentifully and Safely, but they cannot in Wisdome and Fidelity to the Common-wealth doe this, till he shall chuse such Councillours and Officers as may order and dispose it to the publike good, and not apply it to the ruine and destruction of His People, as heretofore it hath been; but this and the other matters concerning our Selves, being Workes of great Importance and full of Intricacy will require so long a time of Deliberation, that the Kingdome might be ruined before we should effect them: Wherefore we thought it necessary first to be Suitors to His Majesty, so to order the *Militia*, that the Kingdome being secured, we might with more ease and safety apply our selves to debate of that Message, wherein we have bin interrupted by his Majesties Denyall of the Ordinance concerning the same; because it would have been in vain for us to labour in other things and

and in the meane time to leave our selves naked to the Malice of so many Enemies, both at home and abroad; yet we have not been altogether negligent of those things which His Majesty is pleased to expound in that Message, we have agreed upon a Booke of Rates in a larger proportion then hath bin granted to any of His Majesties Predecessours, which is a considerable Support of His Majesties publike Charge, and have likewise prepared divers Propositions and Bills for Preservation of our Religion and Liberties, which we intend shortly to present to His Majesty; and to doe whatsoever is fit for us to make up this unpleasant Breach betwixt His Majesty and the Parliament.

Wheras divers Exceptions are here taken concerning the *Militia*; First, that His Majesty never denied the thing, but excepted the Persons, except for Corporations onely, that he denied the Way.

To which we answer, That that Exception takes off London, and all other great Townes and Cities, which make a great part of the Kingdom. And for the way of Ordinance, it is ancient, more speedy, more easily alterable, and in in all these and other Respects more proper and more applicable to the present Occasion then a Bill, which His Majesty calls the only good old way of imposing upon the Subjects. It should seeme that neither His Majesties Royall Predecessours nor our Ancestours have heretofore bin of that Opinion, for 37. Ed. 3. we finde this Record, *The Chancellour made Declaration of the Challenge of Parliament, the King desires to know the grieffe of His Subjects, and to redresse Enormities, the last day of the Parliament, the King demanded of the whole Estates, whether they would have such things as they agreed on by way of Ordinance or Statute, who answered by way of Ordinance, for that they might amend the same at their pleasures, and so it was.*

But His Majesty objects further, *That there is somewhat in the Preface to which He could not consent with Justice to His Honour and Innocency, and that thereby He is excluded from any Power in the disposing of it.*

These Objections may seeme somewhat, but indeed will appeare nothing, when it shall be considered that nothing in the Preamble laies any Charge upon His Majesty, nor in the body of that Ordinance, that excludes His Royall Authority in the disposing or Execution of it. But only 'tis provided that it should be signified by both Houses of Parliament, as that Channell through which it will be best derived, and most certainly to those ends for which it is intended, and let all the world judge, whether we have not reason to insist upon it, that the Strength

of the Kingdome should rather be ordered according to the Direction and Advice of the great Councell of the Land, equally intrusted by the King and by the Kingdome, then that the Safety of the King, Parliament and Kingdome should be left at the Devotion of a few unknowne Councillours, many of them not intrusted at all by the King in any publike way, nor at all confided in by the Kingdome.

We with the Danger were not imminent, or not still continuing, but cannot conceive that the long time spent in this Debate is evidence sufficient, that there was no such necessity or danger, but a Bill might easily have bin prepared. For when many Causes doe concur to the Danger of a State, the Interruption of any one may hinder the Execution of the rest, and yet the Designs be still kept a foot for better opportunities. Who knowes whether the ill Success of the Rebels in *Ireland* have not hindred the Insurrection of the Papists here? Whether the Preservation of the 6. Members of the Parliament, falsely accused, have not prevented that Plot of the breaking the Neck of the Parliament; of which we were informed from *France* not long before they were accused. Yet since His Majesty hath beene pleased to expresse His Pleasure, rather for a Bill then an Ordinance, and sent in one for that purpose, we readily entertained it, and with some small and necessary Alterations speedily passed the same. But contrary to the custome of Parliament and our Expectation grounded upon His Majesties owne Invitation of us to that way, and the other reasons manifested in our Declaration concerning the *Militia* of the 5. of *May*, instead of His Royall Assent we met with an absolute Refusal.

If the matter of these our Votes 15. and 16. of *March* be according to Law, we hope His Majesty will allow the Subjects to be bound by them; because he hath said, *He will make the Law the Rule of his Power*. And if the Question be, Whither that be Law which the Lords and Commons have once declared to be so, Who shall be the Judge? Not His Majesty; for the King judgeth not of matters of Law, but by His Courts; and His Courts, though sitting by His Authority, expect not His Assent in matters of Law. Not any other Courts, for they cannot judge in that case, because they are Inferiour; nor Appeals lying from Parliament, the Judgement whereof is in the eye of the Law. the Kings Judgement in His Highest Court, though the King in His Person be neither Present nor Assenting therunto.

The Votes at which His Majesty takes Exceptions are these.

1. **T**hat the Kings absence so farre remote from his Parliament is not onely an Obstruction, but may be a Destruction to the affaires of Ireland.
2. That when the Lords and Commons shall declare that the Law of the Land is not onely questioned and controverted, but contradicted, and a Command that it should not be obeyed, is a high Breach of the Priviledge of Parliament.
3. That those Persons that advised his Maiesty to absent himselfe from the Parliament, are Enemies to the Peace of the Kingdome, and iustly to be suspected to be Favourers of the Rebellion in Ireland.

That the Kingdome hath been of late, and still is in evident and imminent danger, both from Enemies abroad, and a Popish and discontented Party at home, that there is an urgent and inevitable necessity of putting his Maiesties Subjects into a Posture of Defence, for the safeguare both of his Maiesty and his People.

That the Lords and Commons fully apprehending this Danger, and being sensible of their owne Duty, to provide a suitable Prevention, have in severall Petitions addressed themselves to his Maiesty for the Ordering and disposing of the Militia of the Kingdome, in such a Way as was agreed upon by the Wisdome of both Houses to be most effectually and proper for the present Exigents of the Kingdome, yet could not obtaine it, but his Maiesty did severall times refuse to give his Royall Assent thereunto.

That in this Case of extreame Danger, and his Maiesties Refusall, the Ordinance of Parliament, agreed upon by both Houses for the Militia, doth oblige the People, and ought to be obeyed by the Fundamentall Lawes of this Kingdome.

BY all which, it doth appeare, that there is no colour of this Taxe, that we goe about to introduce a new Law, much lesse to exercise an Arbitrary Power, but indeed to prevent it : For this Law is as old as the Kingdome, That the Kingdome must not be without a meanes to preserve it selfe : Which that it may be done without Confusion, this Nation hath intrusted certaine hands with a Power to provide in an Orderly and Regular Way for the good and safety of the whole, which Power by the Constitution of this Kingdome is in His Majesty and His Parliament together ; yet since the Prince being but One Person, is more subject to Accidents of Nature and Chance, whereby the Common-wealth may be deprived of the Fruit of that Trust which was in part reposed in Him in Cases of such Necessity ; That the Kingdome may not be enforced presently to returne to it's first Principles, and every man left to doe what is right in his owne eyes, without either guide or Rule : The Wisedome of this State hath intrusted the Houses of Parliament with a Power to supply what shall be wanting on the part of the Prince, as is evident by the constant Custome and Practise thereof in Cases of Non-age, naturall Disability and Captivity, and the like Reason doth and must hold for the exercise of the same Power in such Cases, where the Royall Trust cannot be or is not discharged, and that the Kingdome runs an evident and imminent Danger thereby, which Danger having been declared by the Lords and Commons in Parliament, there needs not the Authority of any Person or Court to affirme ; Nor is it in the Power of any Person or Court to revoke that Judgement.

We know the King hath wayes enough in his Ordinary Courts of Justice to punish such seditious Pamphlers and Sermons as are any way prejudiciall to his Rights, Honour and Authority : And if any of them have been so insolently violated and vilified, his Majesties own Councell and Officers have been to blame, and not the Parliament : We never did restrain any Proceedings of that kind in other Courts, nor refuse any fit Complaint to us. The Protestation protested was refer'd by the Commons House to a Committee, and the Authour being not produced, the Printer committed to Prison, and the Booke voted by that Committee to be burnt : but Sir *Edward Deering* who was to make that Report of the Votes of that Committe neglected to make it : The Apprentizes Protestation was never complained of ; but the other seditious Pamphlet, *To your Tents O Israel*, was once questioned, and the

the full Prosecution of it was not interrupted by any fault of either House, whose Forwardnesse to doe his Majesty all Right therein, may plainly appeare in that a Committee of Lords and Commons purposely appointed to take such Informations as the Kings Councell should present concerning Seditious Words, Practises or Tumults, Pamphlets or Sermons, tending to the Derogation of his Majesties Rights or Prerogative, and his Majesties Councell were enjoyned by that Committee to enquire and present them, who severall times met thereupon, and received this Answer and Declaration from the Kings Councell, that they knew of no such thing as yet.

If his Majesty had used the Service of such a one in penning this Answer, who understood the Lawes and Government of this Kingdome, He would not have thought it legally in his Power to deny his Parliament a Guard when they stood in need of it, since every ordinary Court hath it; Neither would His Majesty if He had been well inform'd of the Lawes, have refused such a Guard as they desired, it being in the Power of Inferiour Courts to command their owne Guard; Neither would He have imposed upon them such a Guard under a Commander which they could not confide in, which is clearly against the Priviledge of Parliament, and of which they found very dangerous Effects, and therefore desired to have it discharged: But such a Guard, and so commanded, as the Houses of Parliament desired, they could never obtaine of His Majesty, and the placing of a Guard about them contrary to their desire, was not to grant a Guard to them, but in Effect to set one upon them.

All which considered, we beleeve in the Judgement of any indifferent Persons it will not be thought strange, if there were a more then ordinary resort of People at *Westminster*, of such as came willingly of their owne accord to be Witnesses and Helpers of the safety of them, whom all His Majesties good Subjects are bound to defend from Violence and Danger: Or that such a Concourse as this, they carrying themselves quietly and peaceably (as they did) ought in His Majesties Apprehension, or can in the Interpretation of the Law be held Tumultuary and Seditious.

When his Majesty in that Question of Violation of the Lawes had expressed the observation of them indefinitely without any limitation of time, although we never said or thought any thing that might looke like a Reproach to his Majesty, yet we had reason to remember that it had bin otherwise, lest we should seeme to desert our former

Com-

Complaints and Proceedings thereupon, as His Majesty doth seeme but little to like or approve of them : For although he doe acknowledge here that great mischief that grew by that Arbitrary Power then complained of ; Yet such are continually prefer'd and countenanc'd, as were Friends or Favourers, or related unto the chiefe Authors and Actors of that Arbitrary Power, and of those false Colours Suggestion of imminent Danger and Necessity, whereby they did make it plausible unto his Majesty ; And on the other side, such as did appeare against them are daily discountenanc'd and disgraced ; Which, whil't it shall be so, we have no Reason to Judge the Disease to be yet killed and dead at root, and therefore no Reason to bury it in Oblivion : And whil't we behold the Spawnes of these mischievous Principles cheri'd and fostered in that New Generation of Councillors, Friends and Abettors of the former, or at least concurring with them in their Malignancy against the Proceedings of this Parliament, we cannot thinke our selves secure from the like or a worse Danger.

And here the Penner of this Answer bestowes an Admonition upon the Parliament, bidding us take heed we fall not upon the same Errour, upon the same Suggestions : But he might have well spared this till he could have shewed wherein we had exercised any Power otherwise then by the Rule of the Law, or could have found a more Authentique or higher Judge in matter of Law then the High Court of Parliament.

It is declared in his Majesties Name, That he is resolved to keep the Rule himselfe, and to His Power to require the same of all others. We must needs acknowledge that such a Resolution is like to bring much Happinesse and Blessing to his Majesty and all his Kingdomes ; Yet with Humility we must confesse we have not the Fruit of it in that Case of my Lord *Kimbolton*, and the other five Members. accused contrary to Law, both Common Law, and the Statute Law, and yet remaineth unsatisfied : Which Case was remembred in our Declaration as a strange and unheard of Violation of our Lawes : But the Penner of this Answer thought it fit to passe it over, hoping that many would reade His Majesties Answer, which hath been so carefully dispersed, which would not reade our Declaration.

Whereas, after our ample Thanks and Acknowledgement of his Majesties Favour in passing many good Bills, *We said that Truth and Necessity inforced us to adde this, That in or about the time of passing those Bills, some Designe or other hath beene asoor, which if it had taken Effect, would not onely have deprived us of the Fruit of those Bills,*
but

but would have reduced us to a worse condition of confusion, then that wherein the Parliament found us, It is now told us that the King must be most sensible of what we cast upon Him for requitall of those good Bills, wher as out of our usuall tendernes of His Maiesties Honour, we did not mention Him at all; but so inuiurious are those wicked Counsellors to the Name and Honor of their Master and Sovereigne, that as much as they can they lay their own infamy and guilt upon His Shoulders.

Here God also is called to witness His Majesties upright Intentions at the Passing those Laws, this we will not question, neither did we give any occasion of such a solemn Asseveration as this is. *The Divell is likewise desied to prove here was any Designe with his Maiesties knowledge or privy;* This might well have bin spared, for we spake nothing of His Majesty, but since we are so farre taxed as to have it affirmed, *That we laid a notorious and false Imputation upon His Maiesty,* we have thought it necessary for the just Defence of our own Innocency, to cause the Oaths & Examinations which have bin taken concerning the Designe to be published in a full Narration for satisfaction of all His Majesties Subjects, out of which we shall now offer some few particulars, whereby the world may judge whether we could have proceeded with more tendernes towards his May, then we have done.

Mr. Goring confesseth that the King first ask'd him, *Whither he were engaged in any Caball concerning the Army, and commanded him to joyn with M. Percy and M. Jermin and some other whom they should find within at M. Percies Chamber, where they tooke the Oath of Secrecy;* and then debated of a Designe propounded by M. Jermin, *to secure the Tower, and to consider of bringing up the Army to London,* and Cap. Legg confessed he had received the draught of a Petition in the Kings presence, and His Majesty acknowledged it was from His own Hand, and whosoever reads the sum of that Petition; as it was proved by the Testimony of *St. J. Ashley, St. John Conyers and Cap. Legg;* will easily perceive some points in it, apt to beget in them some discontent against the Parliament: And can any man believe there was no designe in the Acculation of the *L. Kimbolton* and the rest, in which his Majesty doth avow himself to be both Commander and an Actor; these things being so, it will easily appear to be as much against the Rules of Prudence that the Penner of this Answer should intangle his Majesty in this unnecessary Apology, as it is against the rules of Justice, that any reparation from us should be either yeilded or demanded.

It is profest in his Majesties Name, that he is truly sensible of the burdens of his People, w^{ch} makes us hope that he will take that course w^{ch} will be most effectual to ease them of these burdens, that is, to joyn with his Parliament in preserving the peace of the Kingdom, w^{ch} by his absence from them hath bin much indangered, and w^h by hindring the voluntary adventures for recovery of *Ireland*, and disabling the Subjects to discharge the great tax laid upon them is like to make the warre much more heavy to the Kingdom. And for his Maj. ties wants, the Parliament have bin no cause of them, we have not diminish'd his just Revenue, but have much

caſed His publike charge and ſomewhat his private, and we ſhall be ready in a Parliamentary way to ſettle his Revenue in ſuch an honorable proportion, as may be anſwerable to both, when he ſhall put Himſelf into ſuch a Poſture of Government that His Subjects may be ſecure to enjoy His juſt protection for their Religion, Laws and Liberties.

We never reſuſed his Majeſties gracious offer of a free and generall Pardon, only we ſaid it could be no Security to our preſent fears and jealousies, and we gave a reaſon for it, that thoſe fears did not ariſe out of any guilt of our own Actions, but out of the evil Deſignes and Attempts of others, and we leave it to the world to judge, whither we herein have deſerved ſo heavy a tax and exclamation (*that is was a ſtrange world when Princes proffered favors, are counted reproaches*, ſuch are the words of his Majeſties Anſwer) who do eſteem that offer as an act of Princely Grace and Bounty, which ſince this Parliament began we have humbly deſired we might obtain, and do ſtill hold it very neceſſary and advantagious for the generality of the Subject upon whom theſe Taxes and Subſidies lie heaviſt; but we ſee upon every occaſion how unhappy we are in his Majeſties miſapprehenſions of our words and actions.

We are fully of the Kings mind, as it is here declared, that he may reſt ſo ſecure of the Affections of his Subjects, that he ſhould not ſtand in need of forreine force to preſerve him from Oppreſſion, and are confident that he ſhall never want an abundant evidence of the good wiſhes and aſſiſtance of his whole Kingdom, eſpecially if he ſhall be pleaſed to hold to that gracious reſolution of building upon that ſure foundation; *The Law of the Land*; but why his Majeſty ſhould take it ill, that we having received Informations ſo deeply concerning the ſafety of the Kingdom, and ſhould thinke them fit to be conſidered of, we cannot conceive; for although the Name of the perſon was unknown, yet that which was more ſubſtantiall to the probability of the Report was known (that is) that he was a Servant to the *L. Digby*, who in his preſumptuous Letter to the Queens Majeſty, and other Letters to Sir *Lewis Dives* had intimated ſome wicked Propoſition ſutable to that Information; but that this ſhould require reparation, we hold it as far from Juſtice as it is from Truth, that we have mixt any malice with theſe rumours, thereby to feed the fears and jealousies of the People.

It is affirmed His Majeſty is driven (but not by us, yet) from us; perchance hereafter if there be opportunity of gaining more credit, there will not be wanting, who will ſuggeſt unto his Majeſty that it is done by us. And if his Majeſty were driven from us, we hope it was not by his owne feares, but by the feares of the *L. Digby*, and his Retinue of Cavaleers, and that no feares of any tumultuary Violence, but of their juſt puniſhment for their manifold Inſolence & intended Violence againſt the Parliament, and this is expreſſed by the *L. Digby* himſelf, when he told thoſe Cavaleers that the principall Cauſe of his Majeſties going out of Town was to ſave them from being trampled in the dirt; but of his Majeſties Perſon there was no cauſe of feare in

in the greatest heat of the Peoples Indignation after the Accusation, and his Majesties violent coming to the House, there was no shew of any evill intention against his Regall Person, of which there can be no better Evidence then this, that he came the next day without a Guard into the City, where he heard nothing but Prayers and Petitions, no Threatnings or irreverent Speeches that might give him any just occasion of feare that we have heard of, or that his Majesty exprest; for he stayed near a Week after at *White-hall*, in a secure and peaceable Condition, wherby we are induced to beleieve that there is no Difficulty nor doubt at all but his Majesties Residence near *London* may be as safe as in any part of the Kingdome. We are most assured of the faithfulness of the City and Suburbs, and for our selves we shall quicken the Vigour of the Lawes, the Industry of the Magistrate, the Authority of Parliament for the suppressing of all tumultuary Insolencies whatsoever, & for the vindicating of his Honour from all insupportable and insolent Scandals, if any such shall be found to be raised upon him, as are mentioned in this Answer, and therefore we think it altogether unnecessary and exceeding inconvenient to adjourne the Parliament to any other place.

Where the Desire of a good Understanding betwixt the King and the Parliament is on both Parts so earnest, as is here profest of His Majesty to be in him, and we have sufficiently testified to be in our selves, it seems strange we should be so long asunder, it can be nothing else but evill and malicious Councell, misrepresenting our Carriage to Him, and indisposing his favour to us; And as it shall be far from us to take any Advantage of his Majesties supposed Straights, as to desire, much lesse to compell Him to that which His Honour or Interest may render unpleasant & grievous to Him: So we hope that His Majesty will not make his owne Understanding or Reason the Rule of his Government, but will suffer himself to be assisted with a wise and Prudent Councell, that may deale faithfully betwixt Him and His People; And that He will remember that His Resolutions doe concerne a Kingdome, and therefore ought not to be moulded by his Own, much lesse by any other private Reason, which is not a Light proportionable to so great a Trust; and therefore we still desire and hope that His Majesty will not be guided by His own Understanding, or to think those Courses, straights and necessities to which he shall be advised by the wisdom of both Houses of Parliament, which are the eyes in this Politick Body, wherby his Majesty is by the Constitution of this Kingdom to discern the differences of those things which concerne the Publique Peace and safety thereof.

We have given His Majesty no Cause to say that we do meanly value the discharge of his Publique Duty, whatsoever Acts of Grace or Justice have bin done, they proceeded from His Majesty by the Advice and Councell of His Parliament; Yet we have, and shall alwayes answer them with constant Gratitude, Obedience and Affection: And although many things have bin done since this Parliament of another Nature, yet we shall not cease to desire the continued Protection of Almighty God

upon His Majesty, and most humbly petition him to cast from him all those evil and contrary Counsels, which have in many particulars formerly mentioned, much detracted from the Honour of His Government, the Happiness of His own Estate, and Prosperity of His People.

And having past so many dangers from abroad, so many Conspiracies at home, and brought on the publique worke so farre through the greatest difficulties that ever stood in opposition to a Parliament, to such a degree of successe, that nothing seemes to be left in our way able to hinder the full accomplishment of our desire and indeavours for the publike good, unlesse God in his Justice doe send such a grievous curse upon us, as to turne the Strength of the Kingdome against it selfe, and to effect that by their owne folly and credulity, which the power and subtilty of their and our enemies could not attaine, that is, to divide the People from the Parliament, and to make them serviceable to the ends and aymes of those who would destroy them. Therefore we desire the Kingdome to take Notice of this last most desperate and mischievous Plot of the Malignant Party that is acted and prosecuted in many Parts of the Kingdome under plausible Notions of firing them up to a care of preserving the Kings Prerogative, maintaining the Discipline of the Church, upholding and continuing the Reverence and Solemnity of Gods Service, encouraging of Learning: And upon these Grounds divers Mutinous Petitions have been framed in London, Kent, and other Countiees, and sundry of his Majesties Subjects have been solicited to declare themselves for the King against the Parliament, and many false and foule Aspersions have been cast upon our Proceedings, as if we had been not onely negligent, but awette in these Points. Whereas we desire nothing more then to maintaine the Purity and Power of Religion; and to Honour the King in all his just Prerogatives; And for encouragement and advancement of Piety and Learning, we have very earnestly endeavoured, and still doe to the uttermost of our Power, that all Parishes may have learned, pious, and sufficient Preachers, and all such Preachers competent Livings.

Many other Bills and Propositions are in preparation for the Kings Profit and Honour, the Peoples Safety and Prosperity: In the Proceedings whereof, we are much hindred by his Majesties Absence from the Parliament, which is altogether contrary to the Use of His Predecessors, and the Priviledges of Parliament, whereby our Time is consumed by a multitude of unnecessary Messages, and our Innocency wounded by causelesse and sharpe Invectives; yet we doubt not but we shall overcome all this at last, if the People suffer not themselves to be deluded with false and specious Shewes, and so drawne to betray us to their owne undoing, who have ever been willing to hazard the undoing of our selves, that they might not be betrayed by our neglect of the Trust reposed in us, but if it were possible they should prevail herein; yet we would not faile through Gods Grace still to persist in our Duties, and to looke beyond our owne Lives, Estates and Advantages, as those who thinke nothing worth the enjoying, without the Liberty, Peace and Safety of the Kingdome. Nor any thing too good to be hazarded in Discharge of our Consciences for the obtaining of it. And shall always repose our selves upon the Protection of Almighty God, which we are confident shall never be wanting to us (while we seeke His Glory) as we have found it hitherto wonderfully going along with us in all our Proceedings.

It is his Majesties pleasure that you forthwith Print in very good Paper, and send unto me for this Majesties service forty Copies of the Proclamation inclosed, leaving a convenient space for his Majesty to signe above, and to fix the Priy Signer underneath, and his Majesties expresse Command is, that you Print not above the said number of 40. copies, and forbear to make any further publication of them till his pleasure be further signified, for which this shall be your Warrant.

W^hite hall, January 2. 1641.

Edw. Nicholas.

For his Majesties Printer,

